

“(3) requests and is granted—

“(A) leave under the authority of this section; or
“(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 106-259, title VIII, §8023, Aug. 9, 2000, 114 Stat. 679.

Pub. L. 106-79, title VIII, §8025, Oct. 25, 1999, 113 Stat. 1236.

Pub. L. 105-262, title VIII, §8025, Oct. 17, 1998, 112 Stat. 2302.

Pub. L. 105-56, title VIII, §8026, Oct. 8, 1997, 111 Stat. 1226.

Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8028], Sept. 30, 1996, 110 Stat. 3009-71, 3009-94.

Pub. L. 104-61, title VIII, §8036, Dec. 1, 1995, 109 Stat. 659.

Pub. L. 103-335, title VIII, §8042, Sept. 30, 1994, 108 Stat. 2627.

Pub. L. 103-139, title VIII, §8047, Nov. 11, 1993, 107 Stat. 1450.

Pub. L. 102-396, title IX, §9064, Oct. 6, 1992, 106 Stat. 1916.

Pub. L. 102-172, title VIII, §8068, Nov. 26, 1991, 105 Stat. 1187.

Pub. L. 101-511, title VIII, §8086, Nov. 5, 1990, 104 Stat. 1895.

DEFINITION OF OFFICERS AND EMPLOYEES

Section 4 of act July 1, 1947, ch. 192, 61 Stat. 239, as amended by act June 22, 1956, ch. 428, 70 Stat. 331, provided that: “The words ‘officers and employees of the United States or of the District of Columbia’ as used in the third paragraph, subheading ‘Ordinance Stores and Equipment for Reserve Officers Training Corps’, of the Act of May 12, 1917 (40 Stat. 72; 10 U.S.C. Annotated 371) [covered by this section], as now or hereafter amended, as used in that part of section 80 of the Act of June 3, 1916 (39 Stat. 203; 32 U.S.C. 75) [covered by this section], as now or hereafter amended, which precedes the proviso, and as used in the first proviso of section 9 of the Naval Reserve Act of 1938 (52 Stat. 1177; 34 U.S.C. 853g) [covered by this section], as now or hereafter amended, shall be construed to mean all officers and employees of the United States or of the District of Columbia, permanent or temporary indefinite, without regard to classifications or terminology peculiar to the Federal Civil Service System. The words ‘officers and employees of the United States or of the District of Columbia’, as used in such provisions of law, as now or hereafter amended, also shall be construed to mean substitute employees in the postal field service; such substitute employees shall be entitled to military leave of absence on the basis of one hour of such leave for each period or periods aggregating twenty-six hours of work performed in the calendar year immediately preceding the year in which they are ordered to duty by proper authority: *Provided*, That the number of hours worked during the preceding calendar year shall not be less than one thousand forty hours before such substitute employee shall be entitled to military leave of absence, pay for such leave not to exceed eighty hours in each calendar year.”

§ 6324. Absence of certain police and firemen

(a) Sick leave may not be charged to the account of a member of the Metropolitan Police force or the Fire Department of the District of Columbia, the United States Park Police force,

or the Executive Protective Service force for an absence due to injury or illness resulting from the performance of duty.

(b) The determination of whether an injury or illness resulted from the performance of duty shall be made under regulations prescribed by—

(1) the District of Columbia Council for members of the Metropolitan Police force and the Fire Department of the District of Columbia;

(2) the Secretary of the Interior for the United States Park Police force; and

(3) The Secretary of the Treasury for the Executive Protective Service force.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 522; Pub. L. 90-623, §1(18), Oct. 22, 1968, 82 Stat. 1313; Pub. L. 94-183, §2(28), (29), Dec. 31, 1975, 89 Stat. 1058.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	5 U.S.C. 2071.	Aug. 21, 1964, Pub. L. 88-471, §5, 78 Stat. 583.

The word “officer” is omitted as covered by “member”.

In subsection (b), the words “injury or illness” are substituted for “injury or disease” to conform to subsection (a).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1975—Subsecs. (a), (b)(3). Pub. L. 94-183 substituted “Executive Protective Service” for “White House Police”.

1968—Subsec. (b)(1). Pub. L. 90-623 substituted “District of Columbia Council” for “Commissioners of the District of Columbia”.

CHANGE OF NAME

Reference to Executive Protective Service held to refer to United States Secret Service Uniformed Division pursuant to Pub. L. 95-179, set out as a note under section 3056a of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198.

§ 6325. Absence resulting from hostile action abroad

Leave may not be charged to the account of an employee for absence, not to exceed one year, due to an injury—